

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:24-cv-02659-FLA-KES

Date: April 24, 2024

Title: Marcelo Hernandez, et al v. County of Los Angeles, et al.

PRESENT:

THE HONORABLE KAREN E. SCOTT, U.S. MAGISTRATE JUDGE

Jazmin Dorado
Courtroom Clerk

Not Present
Court Reporter

ATTORNEYS PRESENT FOR
PLAINTIFF:
None Present

ATTORNEYS PRESENT FOR
DEFENDANTS:
None Present

PROCEEDINGS (IN CHAMBERS):

Order to Show Cause (“OSC”) Why Claims By Plaintiff Cristina Lopez Should Not Be Dismissed

On April 1, 2024, the Court received a civil rights lawsuit from two self-represented Plaintiffs, Marcelo Hernandez and Cristina Lopez. Both Plaintiffs provided the same Arizona mailing address. (Complaint ¶¶ 9-10.) The Complaint alleges, “The facts are that Hernandez are injured because Defendants’ dog killed their dog.” (Id. ¶20.) The Court understands this as an allegation that Plaintiffs jointly owned a dog that was killed.

On April 4, 2024, the Court mailed an initial case management order (“CMO”) to both Plaintiffs. (Dkt. 9.) The CMO states in relevant part:

The mailing address listed in Plaintiffs’ filings will be presumed correct and will be used to communicate with Plaintiffs. Plaintiffs must notify the Court immediately if his or her mailing address changes by filing a Notice of Change of Address. Failure to update Plaintiffs’ mailing address may result in this action being dismissed for failure to prosecute. See Local Rule 41-6 (“If a Court order or other mail served on a pro se plaintiff at his address of record is returned by the Postal Service as undeliverable and the pro se party has not filed a notice of change of address within 14 days of the service date of the order or other Court document, the Court may dismiss the action with or without prejudice for failure to prosecute.”).

(Dkt. 9 at 4.)

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 2:24-cv-02659-FLA-KES

Date: April 24, 2024
Page 2

So far, all of the mail sent to Plaintiff Lopez at the Arizona address provided has been returned to the Court as undeliverable, marked “Return to Sender – Not at this Address.” (Dkt. 10, 11, 12, 13, 14.) The earliest mail was sent on April 3. (Dkt. 2.) More than 14 days have passed since April 3, but Plaintiff Lopez has not filed a change of address with the Court. The Court, therefore, orders Plaintiff Lopez to show cause why her claims should not be dismissed for failure to comply with Local Rule 41-6.

Plaintiff Lopez may discharge this OSC on or before **May 3, 2024** by (1) filing a notice of change of address with the Court or (2) filing an explanation as to why mail addressed to her at the Arizona address she provided was returned as undeliverable. Her response should confirm her state of citizenship now and when the lawsuit was filed. Plaintiff Lopez’s state of citizenship is important, because Plaintiffs are relying, in part, on complete diversity to establish federal jurisdiction over their state law claims against their former neighbors in California.

Initials of Deputy Clerk JD